

## REMARKS

### Certified Copy of Priority Documents

The Examiner's acknowledgement of the priority document is noted.

### Information Disclosure Statement

The Examiner's review of the Information Disclosure Statement filed on 31 July 2001 is noted.

### Drawings

The Examiner has objected to the drawings for failing to include the reference sign 5a in the description. In response to this objection, the applicant directs the Examiner to paragraph [0026] of the current specification, which states: "The flexible electrode feed line (probe) 5 is terminated with a ring 5a forming a bipolar reference electrode."

The Examiner has objected to the drawings for failing to include the reference sign 1.7 in the description. In response to this objection, the applicant directs the Examiner to paragraph [0030] of the current specification where it is written "Figures 6 and 7 show cylindrical wire units 2.6 and 1.7 of different diameters."

The Examiner has objected to the drawings for failing to include the reference sign 2 in the description. The Examiner is correct that reference sign 2 is not mentioned with reference to Figure 12, so paragraph [0035] is amended above to correct this problem. Support for the amendment is found in paragraph [0027].

From the above, it is believed that all objections to the drawings are resolved without actually amending the drawings.

### Claims

Claims 1-18 were pending in this matter on the date of the Office Action. Of these, claims 1-18 are currently amended. New claim 19 is presented.

### 35 USC §112 Rejections

Because an "electrode" is only a portion of the stimulation probe of the present invention, the preamble of all of the claims has been amended to recite the overall overall device as a "probe." This amendment, not raised by the Examiner, is supported at paragraph [0001].

The Examiner's rejection of claims 7 and 16 as non-enabling is traversed, but the claims have been amended to clarify that the "induction unit" acts by supplying the electrode "inductively" with voltage. This is not considered a narrowing amendment, in view of the fact

that the action is inherent in the designation "induction unit." The amendment made is supported by paragraph [0034] and Figure 11, where one of ordinary skilled would clearly be enabled.

The Examiner has rejected claims 1-18 as being indefinite. The Examiner has made several rejections of claim 1. These are addressed as follows:

- a) the "and/or" recitation of claim 1 is clarified by amending it to "and";
- b) the "which can be" recitation has been deleted;
- c) the "fixed in a blood vessel of the body" is clarified by amending it to "deployed in the blood vessel" which is supported by paragraph [0008];
- d) the "by way of" recitation has been deleted;
- e) the "electrical or magnetic pulses" recitation is clarified by amending it to "an electrical or magnetic pulse or shock generated by a stimulation unit" which is supported by paragraph [0022];

In claim 2, the "which " recitation has been deleted and then amended in order to clarify the element being discussed.

In claim 3, the "itself" recitation has been deleted.

In claim 4, the "acts as a unipolar stimulation pole" recitation has been clarified by amendment that is supported by paragraph [0014].

In claim 9, the "characterized in that" recitation is clarified by amending it to "wherein".

In claim 13, the "control unit" recitation is clarified by amending it to "further comprising a control unit that" to provide a positive recitation of the element.

In claims 14 and 15, the "pneumatically an hydraulically inflatable" recitations are clarified by amending them to "adapted to be".

### **35 USC §102 Rejections**

Mehra (US 5,170,802)

Claims 1, 2, and 8 stand rejected as being anticipated by U.S. Patent 5,170,802 to Mehra ("Mehra '802"). Without going into the Examiner's characterization of Mehra '802 and what it teaches, the applicants point out that claim 1 requires that the wire unit be "tubular." Although the Examiner has indicated that Mehra '802 wire coil is tubular, applicant respectfully traverses. For that reason, claim 1 does not read onto Mehra '802, so it is not anticipated thereby.

The Examiner has made no findings as to what Mehra '802 teaches relative to claim 8, but claim 8 is allowable over Mehra '802 because claim 1 is not anticipated.

Dahl (US 5,531,779)

Claims 1, 3, 8, 9, and 13 stand rejected as being anticipated by U.S. Patent 5,531,779 to Dahl (“Dahl ‘779”). As amended, claim 1 now requires that the wire unit have an “interior that does not impede the flow of blood therethrough.” While this was not claimed in the claims as initially filed, the limitation is supported at paragraph [0026] of the specification and is also clearly shown in the drawings.

By way of contrast, Dahl ‘779 describes a circular array of parallel electrode wires located between a distal crimp tube and an inner crimp tube. The effectively closed ends of the Dahl ‘779 wire unit do not allow unimpeded blood flow through the wire unit, so claim 1 does not read on Dahl ‘779.

Machek (US 5,954,761)

Claims 1, 4, 5, 8, 12 and 18 stand rejected as being anticipated by U.S. Patent 5,954,761 to Machek (“Machek ‘761”). First, the applicant respectfully submits that Machek ‘761 is distinguished in the specification at paragraph [0005], where it is noted that Machek ‘761 teaches a device where the conductor (feed line) extends into the interior of the wire unit, rather than being attached to the wire unit in an axial direction, as required by claim 1. Also, the presence of the feed line or conductor in the lumen impedes blood flow therethrough, as is now forbidden by the amendment to claim 1 discussed above relative to Dahl ‘779.

Spreigl (US 6,161,029)

Claims 1, 3, 4, 15 and 18 stand rejected as being anticipated by U.S. Patent 6,161,029 to Spreigl (“Spreigl ‘029”). Spreigl ‘029 is a patent that, like Mehra ‘802, is owned by Medtronic. Referring to Fig. 1 of Spreigl ‘029, it is clear that the feed line extends axially through the lumen of the wire unit and that it lacks the ring electrode.

**35 USC §103 Rejections**

The Examiner has rejected claims 7, 11, and 16 as being obvious in view of Machek ‘761 in view of U.S. Patent 6,283,989 to Laufer et al. (“Laufer ‘989”). Regardless of the other content of Laufer ‘989, unless it teaches the unimpeded lumen that Machek ‘761 fails to teach, the combination still does not even teach all of the limitations of claim 1. Therefore, this combination fails to even render claim 1 obvious.

The Examiner has rejected claims 10 and 17 as being obvious in view of Mehra '802 (or Dahl '779, Macheck '761 or Spreigl '029). Applicant admits that the coating of the wire unit with a medicament is a desired goal. However, the known use of medicaments on stents is conventionally accomplished on a surface that is not relied upon to be in electrically conductive relationship with the vessel wall, as is required by the present invention and claim 1. However, none of the cited references anticipates even claim 1, so claims 10 and 17 are allowable as claims that properly depend from an allowable base claim.

The Examiner has rejected claims 14 and 15 as being obvious in view of Mehra '802. The Examiner states that Mehra '802 discloses the claimed invention except for a balloon body that is pneumatically or hydraulically inflatable, but that it would have been obvious to one skilled in the art at the time the invention was made to modify the device taught by Mehra '802 to include a balloon body that is pneumatically or hydraulically inflatable. The applicant again points out that Mehra '802 does not anticipate claim 1. With claim 1 being allowable, claims 14 and 15 are properly dependent claims and are likewise allowable.

In view of the foregoing arguments the applicant submits that the claims are in a condition to permit allowance. Therefore the applicant requests early and favorable disposition of this application.

Respectfully submitted,



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